

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM NORTON  
Plaintiff

v.

TOWN OF WHITMAN,  
JAMES STONE, JR.,  
MATTHEW POORE,  
STEPHEN DRASS,  
PETER AITKEN,  
SCOTT BENTON,  
ANDREW STAFFORD,  
JASON H. BATES,  
JOHN SCHNYER  
Defendants.

C.A. NO. 04-11854 JLT

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS CLAIMS  
AGAINST DEFENDANT JASON H. BATES**

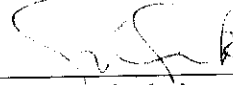
Plaintiff, William Norton, hereby respectfully opposes the Defendants' Motion to Dismiss Claims as against Jason H. Bates. As reason in support thereof, plaintiff states that the Complaint need only be a "short and plain statement of the claims showing that the pleader is entitled to relief". Fed. R. Civ. P. 8(a). Plaintiff has made general allegations against all named defendants, including Jason H. Bates, for plaintiff's unlawful arrest without probable cause. Plaintiff does not know for certain at this time, in absence of any discovery, which officers were present at specific moments in time but has made general allegations that all named defendants were participants in the arrest and criminal prosecution.

Plaintiff states Officers Jason H. Bates' name appears on the Criminal Complaint, appended hereto. Although plaintiff did not specifically include this allegation in his Complaint, plaintiff asserts that the general allegations against all defendants in the complaint are sufficient

to defeat the Motion to Dismiss and requests that it be DENIED.

In the alternative, plaintiff requests leave to amend the complaint to include this specific fact if necessary.

RESPECTFULLY SUBMITTED,  
WILLIAM NORTON



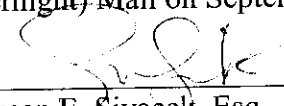
By his attorneys,

Robert S. Sinsheimer, Esq., BBO # 464940  
Susan E. Sivacek, Esq., BBO # 644771  
Sinsheimer & Associates  
Four Longfellow Place, Suite 3501  
Boston, MA 02114-9505  
(617) 722-9954

Dated: September 23, 2004

#### CERTIFICATE OF SERVICE

I, Susan E. Sivacek, Esq., hereby certify that I have served a true copy of the above document on John J. O'Brien, Jr. at O'Brien & Von Rosenvinge, P.C., 27 Mica Lane, Suite 202, Wellesley, MA by Facsimile and Express (Overnight) Mail on September 23, 2004.



Susan E. Sivacek, Esq.

<b>CRIMINAL COMPLAINT</b>		DOCKET NO. <b>0415 CR 004148</b>		<b>Trial Court of Massachusetts District Court Department</b>	
DEFENDANT NAME <b>WILLIAM F NORTON</b>					
DEFENDANT DOB <b>9/20/67</b>	DATE OF COMPLAINT <b>6/07/04</b>	DATE OF OFFENSE <b>6/05/04</b>	NO. OF COUNTS <b>1</b>	COURT NAME & ADDRESS <b>BROCKTON TRIAL COURT 215 MAIN ST P.O. BOX 7610 BROCKTON MA 02303-7610 (508) 587-8000</b>	
OFFENSE LOCATION <b>WHITMAN</b>		POLICE DEPT. OF OFFENSE <b>WHITMAN POLICE DEPT.</b>			
POLICE INCIDENT NO.	ARREST DATE <b>6/05/04</b>	WARRANT ON COMPLAINT DATE		ARRAIGNMENT SCHEDULED FOR <b>6/08/04</b>	

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated the defendant committed the offense(s) listed below and on any attached pages.

1. 266/60/A RECEIVE STOLEN PROPERTY +\$250

on JUNE 5, 2004 did buy, receive or aid in the concealment of stolen or embezzled property of 7-11 STORE, of a value in excess of \$250, knowing such property to have been stolen or embezzled, in violation of G.L. c.266, §60. (PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2 1/2 years; or not more than \$500.)

SIGNATURE OF COMPLAINANT

X

OFF. JASON H. BATES

SWORN TO BEFORE ME

X

CLERK-MAGISTRATE/ASST. CLERK/DEPUTY ASST. CLERK

6/07/04 9:29 AM